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# *Religion and the Rise of Liberalism: The First Disestablishment Campaign in Scotland, 1829–1843*

by STEWART J. BROWN

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On 18 May 1843, the Established Church of Scotland was broken up by the Disruption, as most of the Evangelical party walked out of the annual meeting of the General Assembly. They left in protest over lay patronage in appointments to church livings and what they perceived as the State's refusal to recognise the Church's spiritual independence. In all over a third of the ministers and perhaps half the lay membership left the establishment. On the day of the Disruption, the prominent Edinburgh Dissenting minister, Dr John Brown of the United Secession Church, Broughton Place, felt called to play a part in the event. Early that afternoon, his biographer related, he was in a peculiarly solemn mood and 'could not resist the impulse' to enter the still empty Tanfield Hall where the outgoing ministers were to gather. He took a seat on the platform and waited. In time, the procession of outgoing ministers and elders arrived followed by the immense crowd. As they streamed into the hall, Brown stepped forward to greet them. He was, however, immediately enveloped in the crowd and his gesture passed unnoticed.<sup>1</sup> It was a telling moment. During the past decade, Brown had been one of the most stern and unbending of the Scottish Voluntaries, those who believed that church membership must be entirely voluntary and who opposed in principle the connection of Church and State. A leading campaigner for the disestablishment of the Church of Scotland, Brown had refused to pay the Edinburgh church rate, or Annuity Tax, in a highly publicised case of civil disobedience. He had published pamphlets, delivered speeches, served on the committees of Voluntary societies. Now, as the Established Church was breaking up, Brown was drawn into the Tanfield Hall in order to welcome his former opponents out of what he viewed as the imprisonment of the state connection. In the event, he was largely ignored by outgoing ministers who felt no gratitude to Brown and his associates for 'liberating' them, who refused to embrace Voluntary principles, and who

<sup>1</sup> J. Cairns, *Memoir of John Brown*, Edinburgh 1869, 198–9.

were not prepared to forgive and forget the bitter conflicts between churchmen and Voluntaries during the previous decade.<sup>2</sup> Yet, in a sense, Brown did have a claim to be on the platform of the first Free Church General Assembly – for, to a large extent, he and his fellow Scottish Voluntaries were the makers of the Disruption of 1843.

The Voluntary campaign of 1829 to 1843 united most Scottish Dissenters for the goal of disestablishing and disendowing the national Church of Scotland, and achieving the separation of Church and State. It was the first disestablishment campaign in Britain and it generated unprecedented public excitement and activity, including the organisation of public meetings and debates, the sending of petitions and deputations to parliament, the formation of societies and boards, the creation of new journals and the publication of mountains of tracts and pamphlets. Although largely an urban movement, the Voluntary agitation also spread through the rural lowlands, gaining broad support in villages and farming communities. In the view of Lord Aberdeen, speaking in the House of Lords in March 1838, ‘never had any question of domestic policy so much agitated the people of Scotland since the union of the two kingdoms’.<sup>3</sup> The Scottish Voluntaries established connections with Dissenters in England and Ireland, and called for a united British campaign for ‘doing away with the Ecclesiastical Establishments *in toto*’.<sup>4</sup> The campaign raised questions concerning the nature of society as well as the relations of Church and State. Influenced by the spirit of liberal reform, the Voluntaries challenged the traditional Scottish social hierarchy, dominated by the landed classes and by professionals in the legal, university and church establishments – a social hierarchy in which influence and authority flowed downwards from an enlightened social elite to the middle and labouring orders. Voluntaries rejected the idea of Scotland as a godly commonwealth, a covenanted nation, organised into territorial parishes dominated by local alliances of landowners and ministers, elders and schoolmasters of the Established Church. In its place, they struggled for a more individualistic and egalitarian society, a civil society of voluntary associations, in which neither the State nor the Established Church would exercise power over individual conscience in religious matters, and in which all religious denominations would be equal in law and no person need fear victimisation or discrimination because of private beliefs. Voluntaryism appealed particularly to the commercial and manufacturing middle classes in the towns and cities of industrialising Scotland, and Voluntary agitators combined religious Voluntaryism with support for free trade, a national, non-denominational

<sup>2</sup> In his opening address as a Moderator of the Free Church General Assembly, Thomas Chalmers proclaimed that the new Church was not Voluntary and would have no fellowship with the Voluntaries: W. Hanna, *Memoirs of Dr Chalmers*, Edinburgh 1849–53, iv. 348. <sup>3</sup> 30 Mar. 1838, *Hansard's parliamentary debates*, 3rd ser. xliii, col. 112.

<sup>4</sup> ‘Controversy on establishments’, *Eclectic Review* 3rd ser. x (July 1833), 70; E. Halévy, *A history of the English people 1830–1841*, trans. E. I. Watkin, London 1927, 137.

system of education, and utilitarian reforms of legal and political institutions. The Scottish Voluntary movement was largely successful in its aims, contributing to the break-up of the Established Church of Scotland in 1843 and to the growth of religious equality and freedom of conscience in a more liberal Scottish society.<sup>5</sup>

Studies of the religious history of Scotland during the 1830s and early 1840s have focused almost exclusively on the conflict between the Church of Scotland and the British state over patronage and the spiritual independence of the Church – the conflict that culminated in the Disruption of 1843. The Voluntary controversy has been treated as a minor sidelight to the dramatic struggle between Church and State, and there has been little recognition of the role of the Voluntary campaign in reshaping the political–ecclesiastical system of Victorian Scotland. The relative neglect of the Voluntary campaign reflects in part the tendency of many historians to view the religious controversy of the 1830s and 1840s as largely a national struggle, with the Evangelical party in the Church struggling to defend the independence of Scotland's national Church against encroachments by an English-dominated British parliamentary state. A movement of Scottish Dissenters actively working for the break-up of Scotland's national Church does not fit well with such a nationalist interpretation of the Disruption. This essay will explore the Scottish Voluntary campaign between the Catholic Emancipation Act of 1829 and the Disruption of 1843, placing emphasis on the campaign's decisive role in breaking the traditional alliance between the landed classes and the Church of Scotland. The breaking of this alliance proved fatal not only for the Scottish ecclesiastical establishment, but also for the ideal of a paternalist, communal Scotland, a godly commonwealth defined by the connection of Church and State.

## I

The Voluntary campaign in Scotland emerged out of the fundamental constitutional changes in the British state which followed upon the Catholic Emancipation Act of 1829. Catholic Emancipation was the culmination of a long struggle to end the civil disabilities imposed on Catholics in the sixteenth, seventeenth and early eighteenth centuries, and to bring the Catholic population, especially the large Catholic majority in Ireland, within the pale of the constitution. Introduced by the Tory government of Wellington and Peel in response to the agitation in Ireland led by Daniel O'Connell's Catholic Association, the act was passed in April 1829 against widespread popular opposition in Britain and especially Scotland.<sup>6</sup> The act enabled Catholics to sit in parliament and

<sup>5</sup> J. B. Mackie, *Life and work of Duncan McLaren*, London 1888, i. 167.

<sup>6</sup> I. A. Muirhead, 'Catholic emancipation: Scottish reactions in 1829', *Innes Review* xxiv (1972), 26–42; I. A. Muirhead, 'Catholic emancipation in Scotland: the debate and the aftermath', *Innes Review* xxiv (1973), 103–20.

hold most state offices and it permitted British Catholics to vote in parliamentary elections (Irish Catholics had been granted the parliamentary franchise in 1793). Catholic Emancipation split the Tory party and weakened its support in the country, and after the general election in 1830 the Whigs formed a government committed to parliamentary reform. The Reform Act, passed in June 1832, expanded the electorate, granted increased representation to the growing urban centres and weakened the influence of the crown and landed classes by reducing the number of proprietary seats. In Scotland, the change was especially dramatic, increasing the electorate from less than 4,500 to some 65,000. In the view of the Whig lawyer Henry Cockburn, the Reform Act gave Scotland a political constitution for the first time.<sup>7</sup> Many of the established clergy in both England and Scotland actively opposed parliamentary reform, attracting popular odium.

In the first Reformed Parliament, a loose coalition of Whigs, Radicals and O'Connellite Irish gained an overwhelming majority, raising the prospect of further sweeping reforms in Church and State. The pressure for reform was especially great in Ireland. There the largely Catholic peasantry, suffering from a series of poor harvests and believing that Catholic Emancipation would bring an end to the minority Irish Protestant establishment, had in 1831 begun refusing to pay tithes for the support of that establishment. The anti-tithe agitation spread rapidly across the south and west of Ireland. Despite the distraining of the cattle of non-payers, much of the tithe could not be collected. There were violent clashes between troops and peasants, with loss of life. Many established clergymen in Ireland fell into desperate circumstances. In response to the crisis, the Whig government prepared legislation to reduce the size of the Irish ecclesiastical establishment. Introduced in the Commons in February 1833, the Irish Church Temporalities Bill called for the suppression of ten bishoprics, the suspension of some parish livings and the abolition of the church cess, or local assessment for the repair of church buildings. According to the original bill, the surplus revenues of the Church were to be appropriated for national purposes – either to help finance the national system of education introduced in 1831 or to provide funds for poor relief. The appropriation clause was dropped in June 1833, to enable the bill to pass through the House of Lords, but many Whigs and Radicals continued to press for appropriation, insisting that the revenues of the Irish Established Church were the property of the nation.<sup>8</sup>

In Scotland, the constitutional changes after 1829 also became the occasion for a campaign directed against the ecclesiastical establishment organised by a large and confident Protestant Dissenting population. The

<sup>7</sup> W. Ferguson, 'The Reform Act (Scotland) of 1832: intention and effect', *Scottish Historical Review* xlv (1966), 105–14.

<sup>8</sup> R. Brent, *Liberal Anglican politics: Whiggery, religion and reform 1830–1841*, Oxford 1987, 65–103.

large majority of Scottish Dissenters were Presbyterian and Calvinist, holding essentially the same organisation and theology as the Established Church, but believing that the Established Church had become corrupted by its connection with the British State. The largest Dissenting denomination was the United Secession Church, which had emerged in 1733 when a small group of ministers and congregations seceded from the Established Church in protest against both lay patronage in appointments to church livings and state interference in the governance of the Church. More followed them out in the ensuing decades. By the 1830s, the United Secession Church had over 350 congregations and some 250,000 adherents, representing nearly 10 per cent of the Scottish population.<sup>9</sup> Beginning in the 1790s, Scottish Dissent had been further quickened through the evangelical movement associated with the Haldane brothers, which led to the formation of Congregational and Baptist churches across Scotland. To these Protestant Dissenting bodies were added small, but growing numbers of Roman Catholic migrants from Ireland, settling mainly in the west of Scotland. By 1830, the various Dissenting congregations represented perhaps a third of the population of Lowland Scotland, with a small presence in the Highlands and Islands. Dissent was strongest in the urban centres of Edinburgh and Glasgow, where Dissenters represented some two-fifths of the population in the 1830s, with particular strength among the commercial and manufacturing middle classes and skilled artisan classes – those groups who were largely outside the traditional social hierarchy of rural Scotland, who prided themselves on their independence and work ethic, and who could afford to contribute to the support of their churches.<sup>10</sup>

In comparison with English Dissenters or Irish Catholics, Scottish Dissenters had few pressing grievances against the Established Church. Dissenters in Scotland had not been subjected to the legal discrimination of the Test and Corporation Acts, which had afflicted English Dissenters until 1828; nor, as G. I. T. Machin has observed, did they share 'the English Dissenters' grievances over baptism, marriages, burials and university degrees'.<sup>11</sup> The Church of Scotland could not be portrayed as an extravagant or inefficient establishment. It did not possess cathedrals, with well-endowed deans and chapters. With the one exception, the union of a university professorship and a church living in the same town, there were no pluralities permitted within the Church of Scotland.<sup>12</sup> In Scotland, the teinds, or tithes, had been commuted into a money charge paid by the landowners, and were not felt as a burden on small peasant farmers as in Ireland or England. In the towns and cities, the clergy were supported mainly by seat rents; only two towns, Edinburgh and Montrose, had a church rate. There was no tradition of large numbers of

<sup>9</sup> G. I. T. Machin, *Politics and the Churches in Great Britain 1832 to 1868*, Oxford 1977, 114.

<sup>10</sup> C. G. Brown, *The social history of religion in Scotland since 1730*, London 1987, 61–2.

<sup>11</sup> Machin, *Politics and the Churches*, 114.

<sup>12</sup> *Eclectic Review* 3rd ser. x (July 1833), 71–2.

clergy serving as magistrates and combining civil and religious offices as in England. Unlike the Irish establishment, the Scottish establishment could claim the adherence of the large majority of the population.

None the less, Scottish Dissenters felt themselves the victims of injustice. They viewed the teinds and rates as public revenues and objected to their use to support a Church that large numbers of Scots conscientiously refused to attend. They felt that their children were discouraged from attending the parish schools and that their poor were discriminated against by the Scottish poor law, according to which relief was distributed through the parish churches. They complained that Dissenters were disqualified from holding teaching posts in the parish schools and professorships in the universities. Above all, they resented being regarded as inferior in the eyes of the State. It was galling not to be granted the status in society to which they believed their wealth, commercial success, hard work or respectability entitled them, and to be treated as a politically suspect, tolerated minority.<sup>13</sup> In truth, however, Scottish Dissenters took the lead in the British campaign against the Established Churches not because they suffered greater grievances, but because they were probably more confident than English Dissenters. The Scottish establishment did not enjoy the same close relations with Westminster as did the Anglican establishment; it had no bishops with seats in the House of Lords, and most English MPs had little understanding of, or sympathy with, Presbyterianism. The Established Church was more vulnerable in Scotland than in England. Scottish Voluntaryism, moreover, could draw intellectual support from the civic thought of the Scottish Enlightenment, with its emphasis on radical individualism, historical progress and political economy, and its questioning of traditional authority. Scottish universities had long been open to Dissenters and there was an educated and articulate Dissenting population prepared to demand not toleration, but full equality for all Christian denominations.

The Voluntary movement in Scotland opened with a sermon delivered in Glasgow by the United Secession minister, Andrew Marshall of Kirkintilloch, in early April 1829, on the eve of the passing of the Catholic Emancipation Act.<sup>14</sup> In his sermon, Marshall predicted that the Irish Catholic majority would use their newly gained political power to disestablish the Protestant Church of Ireland and establish and endow the Roman Catholic Church in its place. This, Marshall maintained, would be to endow the teaching of religious error. The only alternative was to abolish religious establishments and make all denominations equal in the eyes of the law. This would also benefit true religion, by liberating the gospel from the coercive power of the state. Church adherence, he

<sup>13</sup> R. Wardlaw, *Speech... at the public meeting in Glasgow, for the separation of Church and state, March 6, 1834*, Glasgow 1834, 28.

<sup>14</sup> A. Marshall, *Ecclesiastical establishments considered: a sermon, preached on the evening of Thursday, 9th April, 1829, in Greyfriars Church, Glasgow*, Glasgow 1829.



maintained, should be determined by the free choice of the individual and the clergy should be supported by the free will offerings of their congregations. Ecclesiastical establishments, he argued, were without warrant in the New Testament or the practice of the early Church; they were also unnecessary, inefficient and divisive. They tended to 'secularise the church' turning it into a 'political institution'.<sup>15</sup> Marshall's sermon made a considerable stir, bringing forth lengthy responses from the *Edinburgh Christian Instructor*, the organ of the Evangelicals in the Church of Scotland, and from John Inglis, a leading Moderate in the Church.<sup>16</sup> The debate continued in the press for the next few years, helping to spread Marshall's radical proposals to the larger Scottish Dissenting community.<sup>17</sup>

The decision to begin a campaign for the disestablishment of the Church of Scotland came with the excitement surrounding the Reform Bill agitation and the Irish tithe war. Early in 1832, a committee of United Secession clergymen began organising a popular agitation for disestablishment. At a public meeting in September 1832, they established the Edinburgh Voluntary Church Association. This was followed two months later by the Glasgow Voluntary Church Association. The *United Secession Magazine* called for the formation of local associations throughout Scotland, defining disestablishment as the most important religious movement since the Reformation.<sup>18</sup> By September 1833, at least ten local Voluntary Church Associations had been formed across the Central Lowlands.<sup>19</sup> In March 1833, the Glasgow Association founded the *Voluntary Church Magazine*, a monthly periodical which not only publicised the activities of the societies in Scotland, but also called upon Scottish Dissenters to lead a movement to end the Church-State connection throughout the three kingdoms.<sup>20</sup> That same month, the Glasgow Association held a public meeting to petition for the disestablishment of the Church of Ireland.<sup>21</sup> The moment seemed propitious: the Reform Act, the extension of popular education and the growing political awareness among the common people – all seemed to point to a new Reformation in Church and State. 'God has given us', the *Voluntary Church Magazine* enthused in September 1833, 'an excellent opportunity of acting efficiently in the purification of his church. We have a liberal king – a liberal ministry – popular opinion is daily progressing in our favour; and high on the breast of the advancing tide of general education, there is held up to us the prospect of certain success.'<sup>22</sup>

<sup>15</sup> Ibid. 20.

<sup>16</sup> *Edinburgh Christian Instructor* xxviii (Aug. 1829), 569–95; J. Inglis, *A vindication of ecclesiastical establishments*, Edinburgh 1833; J. McKerrow, *History of the Secession Church*, Edinburgh 1854, 726–9; A. B. Montgomery, 'The Voluntary Controversy in the Church of Scotland, 1829–1843', unpubl. PhD diss. Edinburgh 1953, 9–39.

<sup>17</sup> *United Secession Magazine* iii (May 1835), 193.

<sup>18</sup> Ibid. i (Apr. 1833), 232–3.

<sup>19</sup> *Voluntary Church Magazine* i (Sept. 1833), 320–4.

<sup>20</sup> Ibid. 383–8.

<sup>21</sup> *Scottish Guardian*, 29 Mar. 1833.

<sup>22</sup> *Voluntary Church Magazine* i (Sept. 1833), 292–3.

In Edinburgh, the Voluntary campaign gained support through its association with an agitation against the Annuity Tax. This was an impost, essentially a church rate of 6 per cent on all valued rentals of houses and shops in the capital, which was used in part to pay the stipends of the Edinburgh parish clergy.<sup>23</sup> The Edinburgh Annuity Tax had become the subject of growing resentment in the city, especially among the middle classes, from the later 1820s. This was in part because of certain inequities in the distribution of the tax, especially the immunity of judges and other members of the College of Justice, which in the early 1830s exempted more than 650 of the wealthiest households in the capital.<sup>24</sup> Opponents of the Annuity Tax also resented the exemption of people who attended city churches but lived outside the city boundaries and the fact that merchant families often had to pay the impost twice, once for their shop and once for their home. Further, many felt that the city was supporting too many clergymen at too high a cost: five of the thirteen parish churches in Edinburgh were collegiate charges, with two clergymen each, while the stipends of the Edinburgh clergy were some three times the average for a rural clergyman. In short, the Annuity Tax set the interests of commercial middle classes, many of whom were Dissenters, against those of privileged professionals in the law and Established Church.<sup>25</sup>

Early in 1833, a few months after the formation of the Edinburgh Voluntary Church Association, Edinburgh Dissenters began a campaign of non-payment of the Annuity Tax – a campaign described as having an ‘Irish flavour’.<sup>26</sup> Many members of the Established Church joined Dissenters in refusing to pay what was widely viewed as an unjust rate. By April 1833, according to Henry Cockburn, only £173 of the tax for the year had been collected, the arrears had risen to £11,000 (‘a great part of which must inevitably be lost’) and the city, which was already virtually bankrupt as a result of years of financial mismanagement, could not pay the stipends of its clergy.<sup>27</sup> In the summer of 1833, the magistrates and town council resorted to the seizure and sale of household goods of non-payers. When this proved ineffective, they began imprisoning non-payers until their arrears were paid. On 10 August, William Tait, the proprietor of the liberal *Tait's Magazine*, was imprisoned for three days. On his release on 13 August, he was conveyed home by a procession of 8,000, with banners and music, while thousands of spectators lined the streets. An even larger procession, estimated at 10,000, greeted the next person imprisoned for non-payment at his release on 26 August.<sup>28</sup> By the

<sup>23</sup> D. McLaren, *History of the resistance to the Annuity Tax*, Edinburgh 1836; J. C. Williams, ‘Edinburgh politics: 1832–1852’, unpubl. PhD diss. Edinburgh 1972, 26–30.

<sup>24</sup> McLaren, *Annuity Tax*, 30. <sup>25</sup> Williams, ‘Edinburgh politics’, 27–8, 30.

<sup>26</sup> *Journal of Henry Cockburn*, Edinburgh 1874, i. 51.

<sup>27</sup> Henry Cockburn to Thomas Chalmers, 22 Apr. 1833, Thomas Chalmers papers, New College Library (hereinafter cited as NCL), CHA4.202.18.

<sup>28</sup> *Scotsman* 22 June, 13, 17 July 1833; *Voluntary Church Magazine* i (Dec. 1833), 427–34.

end of 1833, 846 inhabitants of the city had been prosecuted for non-payment.<sup>29</sup> Parliament, meanwhile, had reformed the Scottish burghs in mid 1833, broadening the burgh franchise, which increased the influence of the Dissenting ratepayers. Early in 1834, the first Town Council elected under the new franchise attempted to negotiate a settlement of the Annuity crisis – by asking the Established Presbytery of Edinburgh to accept a reduction in the stipends and the number of the city clergy.<sup>30</sup> The Established Presbytery, however, rejected the proposals. Led by Thomas Chalmers, the celebrated preacher, political economist and Professor of Divinity at Edinburgh University, the Presbytery maintained that Scotland's capital city should provide attractive livings as rewards for the ablest clergy and that the Edinburgh Church needed not fewer but more clergy, to enable it to pursue an aggressive home mission among the unchurched urban masses.<sup>31</sup> In late January 1834, however, as the struggle grew more heated, the Established Church suffered a blow when its champion, Chalmers, fell victim to a stroke, which appeared to mark the end of his career. With the Irish Established Church recently reduced in size in response to the anti-tithe campaign, it seemed that the Scottish establishment must soon follow.

By the beginning of 1834, the Voluntary campaign had gained widespread support across the industrialising Central Lowlands. Scottish Voluntaries did not simply attack abuses in the Established Churches or seek redress from specific grievances. Rather, they demanded the abolition of ecclesiastical establishments as a matter of principle.<sup>32</sup> They did not suggest any scheme of concurrent endowment of all the denominations; they insisted on nothing less than the end of all state endowment of religion.<sup>33</sup> Their arguments against establishments were both religious and political. In religious terms, they maintained that there was no sanction for establishments in either Jesus' teachings or the practice of the early Church.<sup>34</sup> The act of embracing Christianity must be a personal decision, its beliefs and responsibilities freely undertaken by the individual; true faith could not be imposed by an Established Church backed by the coercive power of the State.<sup>35</sup> The Apostolic Church had been a voluntary Church. By placing all Churches on a voluntary basis, Scottish Christians would restore the purity and independence of the pre-Constantine Church and unleash the energies that had brought the dramatic expansion of the Church during its first three centuries.<sup>36</sup> Further, ending the privileged status of one Christian denomination

<sup>29</sup> Machin, *Politics and the Churches*, 115.

<sup>30</sup> *Scotsman*, 25 Jan. 1834.

<sup>31</sup> See Thomas Chalmers's speech on the Annuity Tax in the Presbytery of Edinburgh, *Scotsman*, 25 Jan. 1834; Hanna, *Memoirs of Dr Chalmers*, iii. 421–34.

<sup>32</sup> *Eclectic Review* 3rd ser x (July 1833), 70–1; *Voluntary Church Magazine* i (Aug. 1833), 258–61.

<sup>33</sup> Wardlaw, *Speech...for the separation of Church and state*, 13.

<sup>34</sup> Montgomery, 'Voluntary controversy', 15–21; H. Heugh, *Considerations on civil establishments of religion*, Glasgow 1833, 40–62.

<sup>35</sup> *Ibid.* 56.

<sup>36</sup> Wardlaw, *Speech...for the separation of Church and state*, 15–19.

would decrease jealousies and lead to increased harmony and co-operation among all Christian sects.<sup>37</sup> The state was not competent to judge on religious matters, and its interventions only tended to secularise the Church, making it more an instrument of social policy than a spiritual force.<sup>38</sup>

In political terms, Voluntary arguments emphasised the tendency of Established Churches to become tools of the dominant landed and professional interests for the preservation of the existing hierarchical social order. Voluntary agitators rejected a paternalistic parish ideal, in which an alliance of the propertied classes, parish clergymen and parish school teachers defined religious and moral values for the community as a whole. They insisted on the right and the obligation of individuals to choose for themselves in religious and moral matters, and called for a civil society of voluntary associations and religious equality. It was unjust, they further maintained, to use public money for the support of a Church which large numbers of Scots rejected in principle.<sup>39</sup> The teinds and other revenues of the Established Church were the property of the nation; rather than be restricted for the use of one denomination, they should be used for the benefit of the whole community, either to reduce the burden of taxation or to support a national system of education.<sup>40</sup> It was invidious for the state to create legal distinctions among people on the basis of religious beliefs, according full civil rights to some, while merely tolerating others. Ecclesiastical establishments, moreover, were less effective than Voluntary Churches in home mission.<sup>41</sup> Since 1733, Dissenting denominations, whose support came largely from the labouring orders, had built over 650 new churches through voluntary means, while they were also being forced to contribute to the establishment. During the same period, the Established Church, with the full support of the state and the wealthiest social orders, had erected only 125 new churches. Of these, moreover, sixty-two were unendowed chapels-of-ease, built and maintained through voluntary means.<sup>42</sup>

Voluntary leaders insisted that their aim was not to destroy the Church of Scotland, but rather to liberate it. 'I wish her delivered', proclaimed the Glasgow Congregational minister, Ralph Wardlaw, in March 1834, 'from the thralldom and the indignity of being under state control.'<sup>43</sup> In the early months of the campaign, Voluntaryism found supporters not only among Dissenters but also among members of the Established Church. Of 550 persons in Haddington who signed a petition to parliament for disestablishment in March 1833, 347 were members of the

<sup>37</sup> *Eclectic Review* 3rd ser. x (July 1833), 71.

<sup>38</sup> Heugh, *Considerations*, 25.

<sup>39</sup> A. Marshall, *Ecclesiastical establishments farther considered*, Glasgow 1831, 28-9; Heugh, *Considerations*, 35-40.

<sup>40</sup> J. Skinner, *The Scottish endowment question, ecclesiastical and educational*, Glasgow 1838, 11.

<sup>41</sup> Heugh, *Considerations*, 20.

<sup>42</sup> *Voluntary Church Magazine* i (Nov. 1833), 379-84.

<sup>43</sup> Wardlaw, *Speech...for the separation of Church and state*, 8; Heugh, *Considerations*, 8-11.

Established Church.<sup>44</sup> Of 253 persons petitioning for disestablishment in the parish of Kilmaurs in March 1834, a majority were members of the Established Church.<sup>45</sup> Disestablishment, many church members believed, would free the Church of Scotland from aristocratic patronage and interference from the British state. In March 1834, over 40,000 signatures were collected in Glasgow for a disestablishment petition to parliament, and in April 1834, a Scottish Voluntary deputation was received in London by the prime minister, Lord Grey. Scottish Voluntary leaders carried the disestablishment torch south of the border, assisting in the formation of the British Voluntary Church Society in London in May 1834.<sup>46</sup> With all privileged corporations being challenged in the age of reform, disestablishment seemed inevitable. 'In its present state', the *Voluntary Church Magazine* confidently asserted in September 1833, 'the church will not long be able, in the face of the exertions of the Dissenters, and other friends of free religion, to retain its undue privileges.'<sup>47</sup>

## II

The rapid spread of the Voluntary campaign roused the Church of Scotland to action. Just as the threat of 'national apostasy' had brought the militant Tractarians to the forefront of the Church of England in late 1833, so in Scotland, the Voluntary crisis helped the Evangelical party, as the party most committed to reviving the Church's social influence, to gain a working majority in the General Assembly, or supreme court of the Church – a majority which they would hold from 1834 to 1843. The Voluntary onslaught, moreover, contributed to the rise of the brilliant but mercurial Thomas Chalmers to the leadership of the Evangelical party. During the 1820s and early 1830s, Chalmers had established a reputation as a leading British champion of the principle of religious and educational establishments, developing connections with such defenders of the Church of England as Charles J. Blomfield, the bishop of London, and Edward Pusey, the Oxford Professor of Hebrew and later a leader of the Oxford Movement. In the early 1830s, Chalmers had led the Edinburgh Presbytery in the struggle against the Voluntary campaign for the abolition of the Annuity Tax and the reduction in the number of city clergy, and had emerged as the leading opponent of Voluntaryism. He defined a programme of church defence, which included the reform of patronage and the revival of the parish system, especially in the urban centres. His ideas had inspired his publisher and close friend, William Collins, to launch a local campaign in early 1834 for building twenty new

<sup>44</sup> *Voluntary Church Magazine* i (Oct. 1833), 338; 'The Scottish Church Extension scheme', *Eclectic Review* n.s. iii (Apr. 1838), 438. <sup>45</sup> *Ibid.* ii (June 1834), 241.

<sup>46</sup> H. M. MacGill, *The life of Hugh Heugh*, Edinburgh 1852, 255–8; W. H. Mackintosh, *Disestablishment and liberation: the movement for the separation of the Anglican Church from state control*, London 1972, 5–7. <sup>47</sup> *Eclectic Review* n.s. i (Sept. 1833), 321.

parish churches in Glasgow, which soon attracted national attention. Under the strain of the Edinburgh Annuity Tax battles, it will be recalled, Chalmers had fallen victim to a stroke. He had made, however, a partial recovery and was now convinced that he had been preserved by providence for a mission – the defence, reform and extension of the Established Church of Scotland.<sup>48</sup>

At the annual meeting of the General Assembly in May 1834, the Evangelical party used its new majority to enact the programme developed by Chalmers for enhancing the popularity and effectiveness of the Scottish establishment. First, the Assembly reformed the procedures governing patronage, which had long been a major source of dissension in Scottish ecclesiastical life. According to the civil law, virtually every benefice in the Church of Scotland had a patron, who had the right to present a licensed candidate to the living. Nearly two-thirds of the patronages were in the possession of the landed classes, about one-third were in the possession of the crown, and a small number belonged to burgh councils or colleges. The Assembly acted to restrict the exercise of patronage by passing the Veto Act, which gave the majority of male heads of families in a parish the right to veto a patron's presentee if for any reason they did not want him as their parish minister. The Veto was intended to strengthen the Established Church at the parish level by ensuring that its appointments had the support of parish communities. Moreover, many hoped that the Veto, by showing the Church to be sensitive to congregational opinion, would attract moderate Dissenters back into the establishment, thus diminishing the force of the Voluntary onslaught.<sup>49</sup>

Secondly, the General Assembly committed itself to a national campaign for church extension. It passed a Chapels Act, to facilitate the creation of new parishes, and appointed Chalmers to convene a standing Assembly committee, with powers to raise contributions for the building of new parish churches and schools. The Assembly also agreed to approach the government to request a grant of public money to provide partial endowments for the new churches. The aim of church extension was to reclaim the large and growing unchurched population, especially in the new urban districts, and to provide a sufficient number of parish churches and schools to accommodate the entire Scottish population.

The church extensionists perceived themselves at the forefront of a larger movement for restoring the influence and authority of ecclesiastical

<sup>48</sup> While there were other factors involved in the creation of the Evangelical party majority in the General Assembly in 1834, including the long-term effects of the Evangelical Revival and the movements towards democratic reform in all institutions, the Voluntary challenge seems to have contributed to the Church's readiness to embrace the comprehensive programme of reforms that Chalmers and the Evangelical leadership had developed during the 1820s and early 1830s: Hanna, *Memoirs of Dr Chalmers*, iii. 340–62, 424–49; S. J. Brown, *Thomas Chalmers and the godly commonwealth in Scotland*, Oxford 1982, 228–36. <sup>49</sup> R. M. W. Cowan, *The newspaper in Scotland*, Glasgow 1946, 227.

establishments, and strengthening the connection of Church and State, throughout the three kingdoms. They looked for support from the Tory party, which since 1832 had experienced a dramatic revival under the leadership of Sir Robert Peel, a staunch supporter of religious establishments.<sup>50</sup> Within a year, the church extension campaign had raised over £65,000 in contributions, much of it coming from the landed classes, and they had completed or begun sixty-four new churches.<sup>51</sup> With such a demonstration of support in Scotland, it was generally expected that parliament would now have to provide the requested state grant for the extension of the Scottish establishment. The Evangelical church extensionists had thus transformed the prospects for the Established Church of Scotland, shifting the Church from the defensive to the offensive, providing it with a new sense of mission, rallying its membership and aligning it with the revived Tory party. Perhaps most important, the church extensionists were appealing successfully to the landed and professional elite in Scotland for financial contributions. The lines were now drawn. On the one side was a militant Established Church, committed to church extension and the connection of Church and State, drawing support from the landed classes and the Tory party, and embracing a Christian paternalism rooted in an essentially rural parish ideal. On the other side was a militant Voluntaryism, committed to severing the connection of Church and State, drawing its support mainly from the urban middle classes and artisan elite, and embracing the ideal of a civil society of voluntary associations and autonomous individuals.

Beginning in the autumn of 1834, the Voluntaries launched a vigorous campaign to oppose any parliamentary grants for church extension. In 1834, the Edinburgh Voluntaries formed the radical Edinburgh Young Men's Voluntary Church Association, which in August 1835 began a new journal, the *Edinburgh Voluntary Churchman*, and sponsored public lectures and petitions to parliament.<sup>52</sup> In December 1834, the Edinburgh leadership established a Scottish Central Board of Dissenters, made up of a core of prosperous Dissenting families in Edinburgh, with representatives from the local societies across central Scotland.<sup>53</sup> The Central Board issued tracts, organised public lectures, gathered statistics to refute the Church's claims of insufficient church accommodation and organised petitions to parliament.<sup>54</sup> In April 1835, the Edinburgh publisher and city treasurer, Adam Black, published a highly damaging attack on the Established Church, *The Church its own enemy*, in which he argued

<sup>50</sup> Sir Robert Peel to T. Chalmers, 24 Jan. 1835, Peel papers, BL, ms Add. 40411, fo. 200. See also Peel's defence of establishments in his speech in Glasgow in Jan. 1837: G. Kitson Clark, *Peel and the Conservative party*, 2nd edn, London 1964, 328-9.

<sup>51</sup> T. Chalmers, *First report of the Committee of the General Assembly on Church Extension*, Edinburgh 1835, 1-16. <sup>52</sup> Montgomery, 'The Voluntary Controversy', 49.

<sup>53</sup> Williams, 'Edinburgh politics', 17-19, 150-1; Mackie, *Life and work of Duncan McLaren*, i. 170.

<sup>54</sup> *First annual report of the Scottish Central Board for extending the principle of Voluntary Churches and vindicating the rights of Dissenters*, Edinburgh 1835.

convincingly that the parish system had largely broken down in the urban districts as a result of people having a choice of what church to attend. In the parish churches of the Old Town in Edinburgh, for example, fewer than half the seats were let, while of these only a small proportion were let to parish residents. Any effort by the church extensionists to reimpose the parish system, Black concluded, would be both illiberal and futile.<sup>55</sup> Public meetings against the endowment grant were held across the Lowlands, such as that in Fife in July 1835, when over 3,000 heard Dr John Ritchie, a leading champion of the Voluntary cause and a man of devastating wit, speak for four hours.<sup>56</sup> Voluntaries argued that church extension was a Tory scheme aimed at 'putting down the Dissenters' and insisted that the claims being advanced about the need for new churches were grossly exaggerated.<sup>57</sup> For their part, Church of Scotland ministers complained that Voluntary agents were entering their parishes to stir up fears through lies about the aims of Church Extension and the amount of the requested endowment grant.<sup>58</sup> Local communities became deeply divided by the controversy, as both sides competed to collect signatures for petitions to parliament. The warm relations that had prevailed since the 1790s between Evangelicals in the Church of Scotland and Dissenters, based on co-operation in the anti-slavery campaign, missionary movements and British and Foreign Bible Society, now came to an end; local missionary and philanthropic societies were broken up. By the mid 1830s, seven quarterly or monthly magazines in Scotland were active in the controversy and about 50,000 pamphlets a month were being distributed by Collins, the Glasgow publisher, on the establishment side alone.<sup>59</sup> In September 1835, the Irish agitator, Daniel O'Connell made a triumphant tour of Scotland, with Scottish Voluntaries responding warmly to his call for alliance between Irish Catholics and British Protestant Voluntaries for the overthrow of the establishments.<sup>60</sup> 'There has not for a long time', wrote David Aitken, minister of Minto, to Lord Minto, in September 1835, 'been any question in Scotland which has called forth so much fervid zeal in a large class of the community.'<sup>61</sup>

<sup>55</sup> A. Black, *The Church its own enemy*, 3rd edn, Edinburgh 1835. See also the review in the *Scotsman*, 6 May 1835. <sup>56</sup> *Edinburgh Voluntary Churchman* no. 1 (Aug. 1835), 18.

<sup>57</sup> *Scotsman*, 21 Mar. 1835; speech by Gillon, 3 Apr. 1835, *Hansard* 3rd ser. xxvii, col. 783.

<sup>58</sup> W. Malcolm to T. Chalmers, 8 Apr. 1835, Thomas Chalmers papers, NCL, CHA4.239.75.

<sup>59</sup> R. Rainy and J. Mackenzie, *Life of William Cunningham*, London 1871, 89.

<sup>60</sup> *Tait's Edinburgh Magazine* n.s. ii. (Oct. 1835), 631-41; *Edinburgh Voluntary Churchman* no. 3 (Oct. 1835), 71; no. 4 (Nov. 1835), 73-8.

<sup>61</sup> D. Aitken to Lord Minto, 25 Sept. 1835, Minto papers, National Library of Scotland [hereinafter cited as NLS], MS 11802, fo. 16.



## III

Under mounting pressure from both Voluntaries and church extensionists to act on the endowments question, Melbourne's Whig government announced in July 1835 that it would appoint a Royal Commission of Inquiry to investigate the extent of non-churchgoing in Scotland and determine if additional church accommodation were needed.<sup>62</sup> The appointment of the Royal Commission pleased neither the Voluntaries nor extensionists. Voluntaries objected to any inquiry, insisting that their resistance to endowments for new churches was based not on statistics concerning available church accommodation, but rather on their fundamental objection to the establishment principle.<sup>63</sup> Church extensionists, for their part, were incensed by the exclusive Whig composition of the twelve-member commission. The Convenor, Lord Minto, was well-known for his personal dislike of Chalmers while the commission included a leading Voluntary, Andrew Dick. Further, church extensionists complained that in instructing the commission to inquire into all available church accommodation in Scotland, that of Dissenters and of the Established Church, the government was behaving as though Church and Dissent were equal in the eyes of the law and that the state was no longer bound to provide accommodation in the Established Church for the entire population.<sup>64</sup>

What was most threatening to the Church, however, was the government's insistence that the commission, in considering possible funding for Church Extension, should scrutinise all the Church's existing resources. For this raised the vexed question of the unappropriated teinds. The teinds (tithes) were a notional 10 per cent charge on all agricultural produce and had originally been used to support the medieval Catholic Church. The teinds had come into the possession of the crown and landed classes after the Scottish Reformation of 1560. There were two types of teinds. First, there were the bishop's teinds, which had been used to support the episcopal courts. These were now in the possession of the crown and used to support the Civil List. Secondly, there were the parish teinds, a very considerable sum, of which only a portion went to pay the ministers' stipends. The rest remained in the possession of the heritors, or landowners, and was treated as private income. It was not known in 1835 precisely how much of the teind had been appropriated for ministers' stipends and how much remained unappropriated and therefore in the possession of the heritors. In some parishes, all of the teinds had been appropriated for the support of the minister and his stipend had to be supplemented from the state revenues. In others, the landowners kept the bulk of the teinds. In the parish of Blair Atholl, for example, the teinds

<sup>62</sup> 1 July 1835, *Hansard* 3rd ser. xxix., cols 136-53.

<sup>63</sup> *Voluntary Church Magazine* iii (Sept. 1835), 385-7.

<sup>64</sup> Hanna, *Memoirs of Dr Chalmers*, iii. 470-87; Brown, *Thomas Chalmers*, 250-3.

were valued at £2,824 and the minister's stipend was about £300, leaving over £2,500 in the possession of the single landowner.<sup>65</sup>

Any proposal to use the unexhausted teinds for church extension would be viewed by the Scottish landed classes as a threat to their property. 'This was an attempt', complained the Scottish Tory MP, Cuming Bruce, in the House of Commons on 1 July 1835, 'to throw a firebrand in between the landlords and the Church.'<sup>66</sup> Another who recognised the danger of raising the question of the unexhausted teinds was the Tory lawyer and Dean of Faculty, John Hope. 'The necessary and inevitable effect...', Hope wrote to the Tory and churchman, Lord Aberdeen, on 24 August 1835,

is to make the landholders feel their interests to be opposed to the Church – to create the feeling that the Church generally *wish* to appropriate the teinds now enjoyed by the landowners – to create heartburning, distrust, and alienation in regard to the Church among the proprietors – to lead them to imagine that the *object of the Church* is to take possession of such Teinds to their spoliation and thus to set the proprietors generally against the Church....

'A more desireable [*sic*] result', he continued, 'for the objects of the Voluntaries and the present Dissenters they could not desire.' The commission's enquiry into the teinds, Hope predicted, was 'likely to be most injurious to the interests of the Church by breaking the tie which connects the Establishment with the upper ranks'.<sup>67</sup> The Whig government, Hope assured Chalmers on the same day, had no intention of granting endowments for the new churches; the purpose of its commission was primarily to create 'jealousy' toward the Church among the landowners.<sup>68</sup> The possibility of using the unexhausted teinds for church extension also threatened the incomes of many Church of Scotland ministers. Legally, any augmentations of stipends for the rural clergy had to come in the first instance from the unexhausted teinds. Thus, rural clergy had reason to fear that if these teinds were used for church extension, it would diminish their hopes for future increases in their incomes.<sup>69</sup> As the new churches were most needed in the crowded towns and cities, this would mean sacrificing the aspirations of the rural clergy to the religious needs of the towns – a sacrifice that not all rural ministers were zealous to make. In the House of Lords, the Tory earl of Aberdeen vehemently opposed the government's intention to look into the unappropriated teinds, arguing that they were the private property of the

<sup>65</sup> *Edinburgh Voluntary Churchman* no. 5 (Dec. 1835), 112–14.

<sup>66</sup> *Hansard*, 3rd ser. xxix, col 139.

<sup>67</sup> John Hope to Lord Aberdeen, 24 Aug. 1835, Aberdeen papers, BL, ms Add. 43202, fo. 120.

<sup>68</sup> John Hope to Thomas Chalmers, 24 Aug. 1835, Thomas Chalmers papers, NCL, CHA4.237.75.

<sup>69</sup> *Eclectic Review* n.s. iii (Apr. 1838), 456; Skinner, *The Scottish endowment question*, 60. For ministers' concerns on this matter see W. McKergo to T. Chalmers, 14 Feb. 1835, Thomas Chalmers papers, NCL, CHA4.239.49; R. Haldane to T. Chalmers, 16 Mar. 1835, *ibid.* CHA4.237.38.

landlords. Melbourne, however, insisted that all teinds had been intended for the support of the Church and that the government would so regard them.<sup>70</sup>

The Royal Commission proceeded slowly and deliberately about its work, visiting Edinburgh early in 1836 and reaching Glasgow in the spring. Its decision to take evidence from both the establishment and the Dissenters led to angry exchanges, with each side accusing the other of dishonesty. Church extensionists were enraged that the commission invited evidence from hostile witnesses whose avowed aim was dis-establishment.<sup>71</sup> Frustrated by the slow progress of the commission, church leaders began to level violent criticisms against both the commission and the Whig government. As a result, they began to appear as political agitators, bent on reviving the religious warfare of the seventeenth century. 'For my own part', wrote David Aitken to Lord Minto in January 1836, 'I do not fear the Voluntaries, nor even your Lordship's very formidable commission, as some reckon it; the danger is in the unenlightened zeal of a large body of the [establishment] clergy who are bent on carrying into effect in the nineteenth century vigorous proceedings which men would not bear two hundred years ago.'<sup>72</sup> The question of the unappropriated teinds, moreover, was sowing distrust between the Established Church and the landed classes, who should have been natural allies for the revival of a paternalistic parish ideal. In December 1835, the *Edinburgh Voluntary Churchman* observed that the question of the unappropriated teinds was proving 'a test of the sincerity of many *warm and disinterested friends* of the Church'.<sup>73</sup> By the spring of 1836, the Church Extension Committee was complaining of declining financial support from the landed classes.<sup>74</sup>

By late 1836, the strains and frustrations over church extensionists were creating divisions within the Church of Scotland. The tensions surfaced in the moderatorship controversy, when Chalmers and his supporters resisted the proposed appointment of the respected Edinburgh Whig clergyman, John Lee, to the moderatorship of the General Assembly of 1837.<sup>75</sup> Lee had expressed doubts in his evidence before the Royal Commission about the viability of reviving the parish system in the towns and cities. In response, Chalmers pronounced Lee to be 'unsound' on

<sup>70</sup> House of Lords, 28 Aug. 1835, *Hansard*, 3rd ser. xxx, cols 1077-80.

<sup>71</sup> R. Buchanan to T. Chalmers, 7 Apr. 1836, Thomas Chalmers papers, NCL, CHA 4.246.61; The work of the Commission, observed David Aitken, had created a 'lamentable ferment' in Edinburgh, while in Glasgow, 'some of my worthy brethren are literally frenzied': D. Aitken to Lord Minto, 2 Mar. 1836, Minto papers, NLS, MS 11802, fo. 32.

<sup>72</sup> D. Aitken to Lord Minto, 30 Jan. 1836, *ibid.* MS 11802, fo. 26.

<sup>73</sup> *Edinburgh Voluntary Churchman* no. 5 (Dec. 1835), 114.

<sup>74</sup> I. F. Maciver, 'The General Assembly of the Church, the state and society in Scotland: some aspects of their relationships, 1815-1843', unpubl. MLitt. diss. Edinburgh 1977, 226.

<sup>75</sup> D. Shaw, 'The moderatorship controversy in 1836 and 1837', *Records of the Scottish Church History Society* xvii (1972), 115-30; Brown, *Thomas Chalmers*, 256-66.

church extension and not to be trusted with the moderatorship. Chalmers managed to block Lee's appointment after a bitter struggle, which left many in the Church feeling that the church extensionists were becoming high-handed and dictatorial. Provoked by the Voluntary campaign, the majority party in the Church began to feel itself surrounded by enemies. Still, they had reason for some confidence. By May 1837, the extensionists had completed more than 150 new churches, while leading Whig lawyers, including Alexander Earle Monteith and Lord Moncrieff, assured the General Assembly that the government could not legally attempt to use the unappropriated teinds for endowing new churches.<sup>76</sup>

The Voluntaries, meanwhile, stepped up their agitation, holding meetings, monitoring the work of the commission and sending petitions to parliament.<sup>77</sup> In October 1837, moreover, the Edinburgh United Secession minister, John Brown, revived the Annuity Tax controversy, announcing at a public meeting that he regarded it as an unjust tax, which he would henceforth refuse to pay. This was the first call by a minister for non-payment and it aroused considerable controversy, including a critical response from the venerable Baptist leader, Robert Haldane, who condemned such resistance to lawful authority.<sup>78</sup> The Voluntary leadership, however, rallied behind Brown, forming an Edinburgh Anti-Annuity Tax Abolition Society.<sup>79</sup> The *Voluntary Church Magazine* vowed that if parliament were to provide additional endowments for the new churches, the decision would be followed by a national campaign of 'passive resistance', with Dissenters throughout the country refusing to pay teinds.<sup>80</sup> Scotland, in short, would become the scene of an Irish-style national tithe war. During December 1837, moreover, the Scottish Voluntaries sent parliament 362 petitions against the endowments, containing 148,000 signatures.<sup>81</sup>

## IV

Early in March 1838, nearly three years after the appointment of the Royal Commission on Religious Instruction in Scotland, the Melbourne government finally announced its proposals for church extension in Scotland. Although the commission's interim reports had revealed

<sup>76</sup> *Scottish Guardian*, 6 June 1837.

<sup>77</sup> On their increasing political acumen and subtle campaign against the Royal Commission see H. Renton to D. McLaren, 14 Apr. 1837, F. S. Oliver Papers, NLS, ms 24782, fos 18-19. On the connection with England see *Speeches delivered at the great public meeting of the opponents of Church rates in England, and additional endowments in Scotland, held in... Glasgow, 19th January 1837*, Glasgow 1837.

<sup>78</sup> Cairns, *Memoir of John Brown*, 180-94; A. Haldane, *The lives of Robert Haldane of Airthrey and of his brother, James Alexander Haldane*, 4th edn, Edinburgh 1855, 568-73.

<sup>79</sup> Williams, 'Edinburgh politics', 151.

<sup>80</sup> *Voluntary Church Magazine* vi (Jan. 1838), 23-34; *ibid.* (Mar. 1838), 97-106.

<sup>81</sup> I. G. C. Hutchison, *A political history of Scotland 1832-1924*, Edinburgh 1986, 38.

insufficient church accommodation, especially in the towns and cities, the government's proposals were a devastating blow to the Established Church. First, the government refused to provide any endowment grants for new churches in the towns and cities, arguing that voluntary effort alone was sufficient to meet the urban demand for church accommodation. Secondly, while the government admitted the need for new rural parish churches, its proposals for endowing them were precisely what friends of the Established Church had feared in 1835 – that is, the government proposed legislation to facilitate the recovery of the unappropriated teinds. The Royal Commission had now discovered the actual amounts of unappropriated teind. The unappropriated bishops' teinds were modest in extent, amounting to only about £10,200 per annum, and were being used by the crown to support the Civil List. The unappropriated parish teinds, however, were much larger. Of the total parish teinds of some £285,100 per annum, about £138,200 per annum, or almost half the total, was unappropriated and retained as private property by the landowners.<sup>82</sup> The Scottish landowners could hardly be expected to part willingly with this property, nor would landowners in England be prepared to countenance any such precedent for reclaiming tithes. As Robert Buchanan, a member of the church extension deputation, informed Chalmers on 10 March 1838, legislation for the reclaiming of the unappropriated teinds had no chance of passing through either House of Parliament. For the Church to press for such legislation, he added, would 'have no other effect...than to introduce discord between the Church and the Heritors of Scotland'.<sup>83</sup>

On 30 March 1838, Lord Aberdeen attacked the government's plan in the Lords, protesting against the proposed 'act of spoliation' of the landowners of Scotland, and insisting that the government had given assurances in 1835 that it would not seek to reclaim the unappropriated teinds.<sup>84</sup> Melbourne, however, denied that the government had given any such assurances. He also observed that the need for additional church accommodation was greater in England than in Scotland; therefore if the government were to provide additional grants of public money for Scottish church extension, it would have to provide far more for England. 'The religious wants of Scotland', he asserted, 'should be provided for by Scotland itself.' 'It was better', he added, 'much more wise, much more prudent, that this should be, than that they should rashly and imprudently plunge themselves into a course by which a great charge and burden would be imposed on the country for providing church accommodation.'<sup>85</sup> In short, the British state could no longer regard itself as responsible for providing church accommodation for the whole of Britain's rapidly

<sup>82</sup> Skinner, *The Scottish endowment question*, 30.

<sup>83</sup> R. Buchanan to T. Chalmers, 10 Mar. 1838, Thomas Chalmers papers, NCL, CHA4.271.33.

<sup>84</sup> House of Lords, 30 Mar. 1838, *Hansard* 3rd ser. xli, cols 110–24.

<sup>85</sup> *Ibid.* cols 124–9, 129.

growing population. Melbourne's government, reported William Muir, a member of the church extension deputation, to Chalmers on 31 March, 'have put the Church and the State at variance'.<sup>86</sup> Chalmers made a personal appeal for Anglican support, travelling to London in late April 1838 to deliver a series of 'Lectures on the establishment and extension of national Churches' in which he sought to define a common ground between the Anglican and Presbyterian establishments. Although politely received, however, he failed to inspire significant Anglican activity in support of the Church of Scotland.<sup>87</sup>

A further blow to the relations between the Scottish establishment and landed classes came only days after the government announced its proposals for the unappropriated teinds. On 8 March 1838, after a lengthy legal action involving a disputed patronage decision in the parish of Auchterarder, the Court of Session, or supreme civil court in Scotland, declared the Church of Scotland's Veto Act of 1834 to be an illegal encroachment on the civil rights of patrons. For the majority Evangelical party in the Church, the Court of Session decision, coming on top of the government's proposals for endowing new churches, went too far. The Church had decided that it would not challenge the right of the crown and landed classes to retain the unappropriated teinds. However, for the Church now to accept meekly the reimposition of unrestricted patronage would give credence to the Voluntary claim that the establishment was little more than a prop for the dominance of the traditional social elite. Not only had the government refused to provide modest endowments for the new churches built through private contributions, but the civil courts now found against the Church's attempt to recognise the opinion of parishioners in the appointment of parish ministers. Not only were the crown and landed classes to be permitted to retain the unappropriated bishops' and parish teinds, but they were also to receive again virtually unrestricted rights to present their candidates to parish livings. At the annual meeting of the General Assembly in May 1838, the majority resolved to resist the Court of Session decision on patronage, and it asserted that the Church was, and had always been, independent from the state in spiritual matters, which included the appointment and ordination of its ministers.<sup>88</sup>

Most politicians in England and many in Scotland were angered by the General Assembly's claim to spiritual independence. That certainly was the response of the Tory Lord Aberdeen, hitherto the leading champion of the Scottish establishment in parliament. 'To claim endowments', he wrote to the Tory Dean of Faculty, John Hope, on 13 June 1838, 'at the

<sup>86</sup> W. Muir to T. Chalmers, 31 Mar. 1838, Thomas Chalmers papers, NCL, CHA4.277.27.

<sup>87</sup> See, for example, Gladstone's response in J. Morley, *Life of William Ewart Gladstone*, 3rd edn, London 1905, i. 169-72; *Scotsman*, 30 May 1838.

<sup>88</sup> Hanna, *Memoirs of Dr Chalmers*, iv. 95-6; H. Watt, *Thomas Chalmers and the Disruption*, Edinburgh 1943, 171-3.

same moment in which they assert their independence of civil jurisdiction, I fear will not conciliate the support of many of those who were disposed to be friendly to their cause.' As a result of the General Assembly's actions, Aberdeen decided it would be futile for the Tory party to press the endowments question any further in parliament. 'The Government', he added to Hope, 'are perfectly aware of the present situation of the Church, and cannot conceal the pleasure with which they regard it.'<sup>89</sup> David Aitken observed to the Whig Lord Minto in May 1838 that the church extensionists would now find it difficult to 'condemn the Voluntaries who refuse to pay the annuity tax or stipend when in another matter they themselves have taken the law into their own hands'.<sup>90</sup> The Voluntary press was quick to capitalise on the decision of the General Assembly to resist the civil courts. For the *Voluntary Church Magazine* in July 1838, the General Assembly of the Established Church were 'a body of banded rebels': 'maintain the law, we say; maintain it with vigour, and if faction raises its ugly features, clothed or unclothed with a clerical wig, slap it on the face'.<sup>91</sup>

In the summer and early autumn of 1838, the church extensionists made a final effort to rouse public support for the endowments grant, with Chalmers and other leaders travelling across Lowland Scotland addressing public meetings. The Voluntary press dubbed Chalmers's campaign one of 'spiritual O'Connellism'; the leaders of the Established Church were now portrayed as anti-government agitators.<sup>92</sup> The Voluntary press hounded the church extensionists with their failure to attempt to reclaim the unappropriated teinds, attributing it to their 'fear of the aristocracy'.<sup>93</sup> Remaining support for church extension collapsed. Early in June 1839, the Scottish Central Board of Dissenters decided to call off the agitation against the endowment grant, as it was clear that the government had no intention of providing any funds for church extension. The Church of Scotland was deeply embroiled in conflict with the civil courts over patronage, and its days as an Established Church seemed numbered. For Andrew Marshall of Kirkintilloch, whose sermon ten years before had launched the Voluntary campaign, the Church's 'collision with the civil power' was now destined to lead either to the enslavement of the Church of Scotland, or to her liberation through disestablishment.<sup>94</sup>

After 1839, the conflict between the Church of Scotland and the British state moved steadily toward the final break. In May 1839, the House of Lords, as supreme civil court in Britain, affirmed the decision of the Court

<sup>89</sup> Lord Aberdeen to J. Hope, 13 June 1838, Aberdeen papers, BL, ms Add. 43202, fos 179-80.

<sup>90</sup> D. Aitken to Lord Minto, 24 May 1838, Minto papers, NLS, ms 11802, fo. 106.

<sup>91</sup> *Voluntary Church Magazine* vi (July 1838), 293.

<sup>92</sup> *Scotsman*, 2 June 1838; Brown, *Thomas Chalmers*, 273-5.

<sup>93</sup> MacGill, *Life of Hugh Heugh*, 321-2; *Voluntary Church Magazine* vi (Nov. 1838), 505-10.

<sup>94</sup> *Scotsman*, 8 June 1839. See also *Voluntary Church Magazine* vii (Apr. 1839), 181.

of Session that the Church's Veto Act was illegal, and the civil courts in Scotland began instructing presbyteries to settle patrons' candidates into church livings regardless of the feelings of parishioners. The Evangelical majority in the Church refused to back down, insisting on the Church's right to regulate the appointment of its ministers. Appeals to parliament, however, failed to obtain a legislative solution, and after 1841, the Evangelical party began to prepare for the Disruption of the Scottish establishment. Among politicians of both parties, the Evangelicals appeared as extremists, challenging both the rule of parliamentary law and the rights of property. In January 1841, in a dramatic reversal, John Hope, the Tory Dean of Faculty and formerly a keen foe of Voluntaryism, advised Peel to consider an electoral alliance between the Tories and the Voluntaries, arguing that the Established Church was now the real threat to public order.<sup>95</sup>

The Voluntary campaign waned after 1839. The Voluntary press reported on the final months of the undivided establishment with obvious satisfaction, and the Voluntary leadership worked to thwart any possible solution to the crisis. In late 1840, for example, the Scottish Central Board threatened to oppose the Whigs when it appeared the Melbourne government might come to an accommodation with the Church.<sup>96</sup> But on the whole they could afford to watch the break-up of the establishment from a distance. Their victory had been assured in the spring of 1838, when the Whig government had refused to provide new endowment grants for church extension, thus setting the landed classes and Scottish establishment against one another over the unappropriated teinds. In refusing to support the expansion of the Established Church in response to the rapidly growing population of industrialising Scotland, the state had in effect determined that the social influence and authority of the establishment should be allowed to decline. In deciding that the state was no longer bound to provide accommodation in the Established Church for the entire Scottish population, and that the needs of the towns and cities should be met through voluntary means, the state effectively determined that Scotland would become increasingly pluralistic and voluntary in its religion. The conflict over patronage was allowed by both sides to develop into a crisis that broke up the Scottish establishment, largely because of the distrust and ill-feeling sown between the Church and the landed classes and between Church and State by the voluntary onslaught of the 1830s.

In achieving their victory between 1829 and 1843, the Voluntaries had mounted the first truly national agitation in Scotland, with local Voluntary societies, a Central Board of Dissenters, paid agents, specialised journals, public meetings and sponsored debates, petitions and deputations to parliament. The Voluntary controversy had politicised much

<sup>95</sup> J. Hope to Lord Aberdeen, 12 Jan. 1841, Peel papers, BL, ms Add. 40312, fos 350-61; J. Hope to Sir R. Peel, 16 Jan. 1841, *ibid.* 40429, fos 28-9.

<sup>96</sup> Hutchison, *A political history of Scotland*, 42; Williams, 'Edinburgh politics', 161-70.



of the Scottish population, preparing the way for other democratic campaigns after 1838, including Chartism and the Anti-Corn Law League. The religious establishment was broken up in 1843 by the Disruption, and a new Free Church emerged. Initially, the Free Church professed belief in the establishment principle and rejected Voluntaryism. As John Brown had discovered when he attempted to welcome the new Free Church representatives into the Tanfield Hall, the outgoing ministers and congregation were not prepared to forgive and forget the Voluntary onslaught. Whatever its professions, however, the Free Church was effectively organised on the Voluntary principle, and as Chalmers and the older Free Church leaders passed from the scene, the Free Church moved closer to the Voluntary Churches. The Voluntaries had allowed their campaign in Scotland to lapse after the Disruption of 1843, as it seemed the Scottish establishment was effectively finished. This judgement was premature. The Church of Scotland would experience a recovery in the 1850s and 1860s, and the disestablishment campaign in Scotland would be revived in the early 1870s.<sup>97</sup> But the Church of Scotland was now a very different institution from what it had been before the Disruption – no longer claiming authority through its connection with the state and the propertied elite, but instead acting as a voluntary association in a civil society. In a very real sense, the old Scottish establishment, with its parochial organisation for the pastoral supervision and religious and moral education of the whole Scottish people, had succumbed to the Voluntary campaign of the 1830s, and with the Disruption a more pluralistic, individualistic and liberal Scotland had emerged.

<sup>97</sup> Despite prolonged agitation through the mid Victorian years, the Annuity Tax in Edinburgh would not be abolished until 1870: Mackie, *Life and work of Duncan McLaren*, i. 178–210. For the revived disestablishment campaign see especially G. I. T. Machin, *Politics and the Churches in Great Britain 1869–1921*, Oxford 1987, 87–119, 145–74.